



FORT MYER PREVENTION OF SEXUAL HARASSMENT (POSH) TRAINING



MILITARY COMMUNITY

FMMC EEO OFFICE
(703) 696-6258



COURSE OBJECTIVES

➡ **Legal Authorities & Regulatory Guidance**

➡ **Refresher On What Constitutes Sexual Harassment**

➡ **To Identify A Hostile Work Environment**

➡ **To Recognize And Accept Our Role And Responsibilities**





LEGAL & REGULATORY GUIDANCE

- **Army Regulation 690-600**
- **Army Policy 600-20**
- **Title VII of the Civil Rights Act of 1964 (Amended in 1972)**
- **Title 10 USC 1561**
- **29 Code of Federal Regulation Part 16**
- **Management Directive 110**
- **Management Directive 715**





WHAT IS SEXUAL HARASSMENT



➤ Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA), Army Regulation 690-600, and Army Policy 600-20.

➤ Influencing, offering to influence, or threatening the career, pay, or job of another person--woman or man--in exchange for sexual favors; or

➤ Deliberate and/or repeated offensive comments, gestures, or physical contact of a sexual nature at work or work-related environment (i.e., TDY, Conference, Training, etc.)

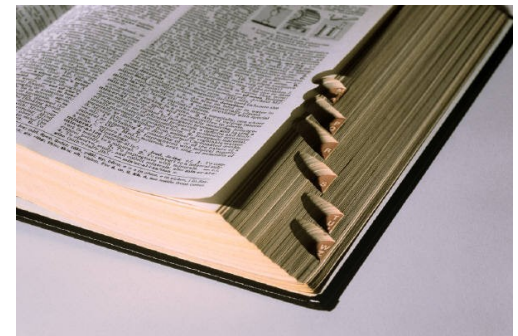




BRIEF DEFINITION OF SEXUAL HARASSMENT



**Any unwelcome
behavior (either,
verbal and/or
physical) of a
sexual nature in
the workplace**





WORKPLACE HARASSMENT

Harassment in the workplace can be damaging to both employees and the organization:

➤ **Employee/Victim:**



Harassment affects the victim's physical and emotional health, resulting in loss of productivity, increased absenteeism, low morale and damaged teamwork.

➤ **Employer:**

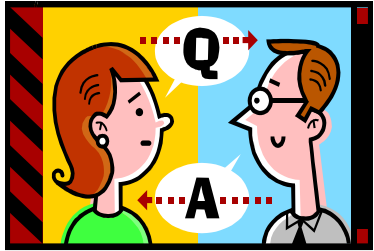


Harassment can lead to increased turnover, law suits, negative, publicity, and lengthy formal investigations.



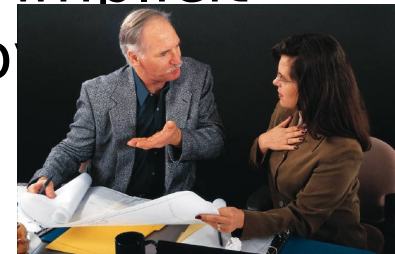


TYPES OF HARASSMENT



Quid Pro Quo

- ☐ Sending a “this for that” message of sexual nature
- ☐ Offering or withholding work-related rewards in exchange for sexual favors
- ☐ Communicating a sense of “you-do-this-for-me-and-I’ll-do-that-for-you” when it is of a sexual nature.
- ☐ The behavior could be either implicit or explicitly a condition of employment



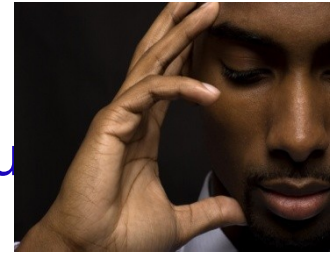


TYPES OF HARASSMENT

(continued)

Hostile Work Environment

- ☐ The most common and subtle form of sexual harassment.
- ☐ Repeated, hostile and offensive pattern, of unwelcome sexual advances (verbal/or physical conduct) which interferes with a person's ability to work
- ☐ Creates an intimidating, or offensive working environment
- ☐ Results from one's perception of behavior, "reasonable person" standard





TYPES OF HARASSMENT

(continued)

The three most common types of illegal harassment are:

Verbal

Offensive jokes and language, threats and comments about a person's body or appearance are examples of verbal harassment.

Physical

Touching, holding, grabbing and other unwanted physical and sexual assault.

Non-verbal

Staring at a person's body, offensive gestures and circulating degrading or offensive letters, posters, pictures, email or cartoons.



TYPES OF HARASSMENT

(continued)

VERBAL SEXUAL HARASSMENT

Telling jokes with sexual connotations



Barking, growling, or whistling at passerby which indicates your perception of their physical appearance



Sexually degrading language, profanity



Use of internet, email to send messages with sexual connotations





TYPES OF HARASSMENT

(continued)

PHYSICAL SEXUAL HARASSMENT

Standing close or brushing up against a person

Touching

Bumping

Patting

Hugging

Cornering

Kissing

Grabbing

Pinching

Blocking

Footsie/Kneesie
passageway



Unsolicited back massage and knee rubs



TYPES OF HARASSMENT

(continued)

NONVERBAL SEXUAL HARASSMENT

Hanging around a person

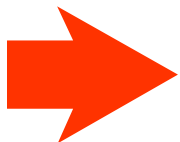


Leaving sexually oriented cartoons, pictures, letters, magazines in the office environment



Leering, ogling someone's body

Gestures made with intentional sexual overtones, such as: blowing kisses, licking lips, winking, and body movement



Touching or rubbing oneself inappropriately around another person



SUBTLE FORMS OF SEXUAL HARASSMENT

SEX ROLE STATIC

Dear

Sweetheart

Baby cakes

**Unthinking, undirected,
everyday, taken-for-granted
remarks and actions based
on gender stereotypes**

Girl

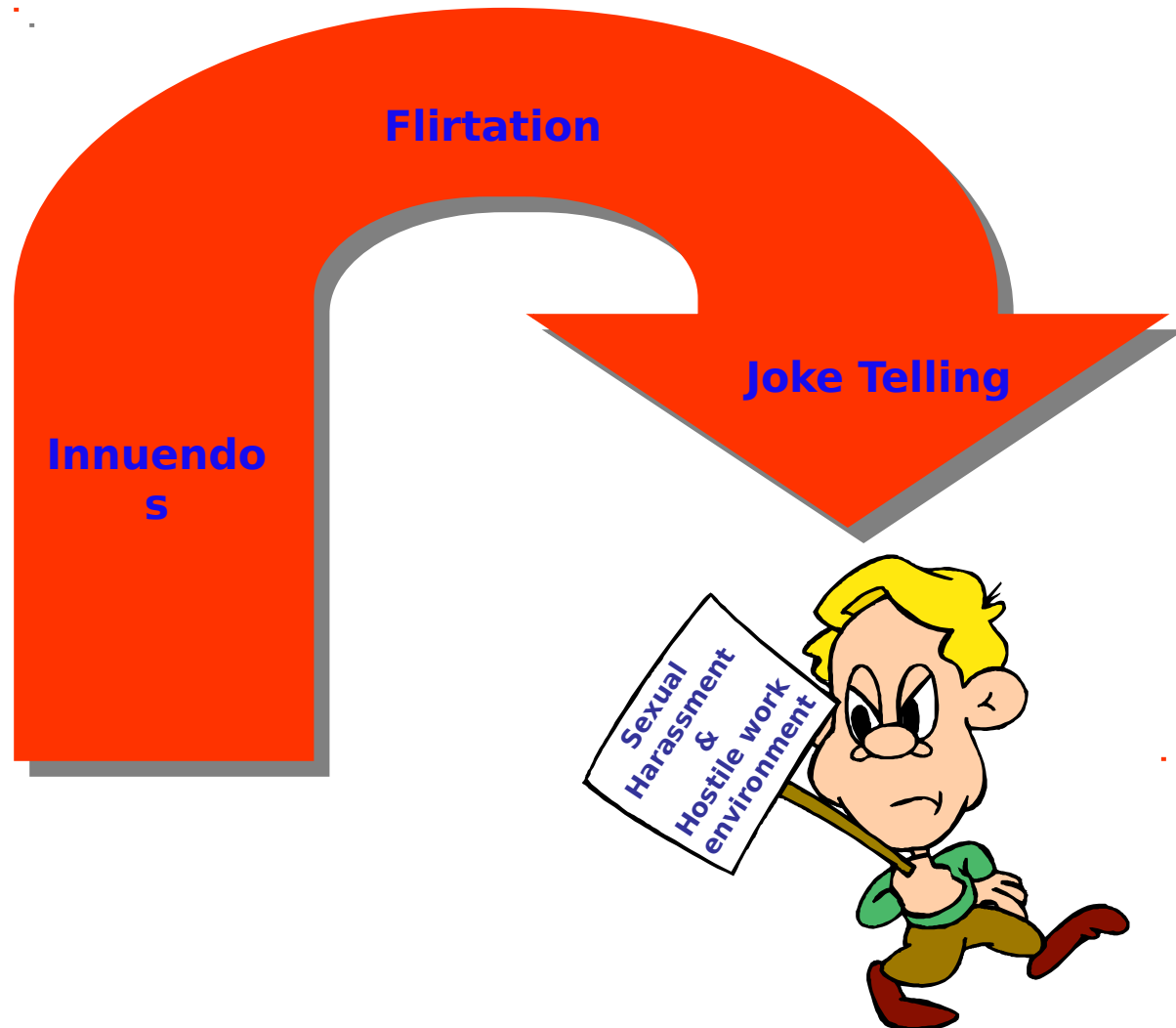
Honey

Stud



SUBTLE FORMS OF SEXUAL HARASSMENT

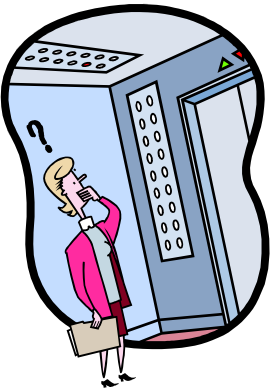
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COMMON MISCONCEPTIONS

- Relationship between accused and victim must be supervisor to subordinate
- Sexual harassment must involve touching or other physical conduct
- The victim must be the one against whom the unwelcome conduct is directed
- The victim must prove an impact on tangible job benefits
- Consenting to requests for sexual relations prevents sexual harassment
- You cannot prove that sexual harassment took place
- Sexual harassment can only involve opposite gender
- Must occur more than once





POSSIBLE EFFECT

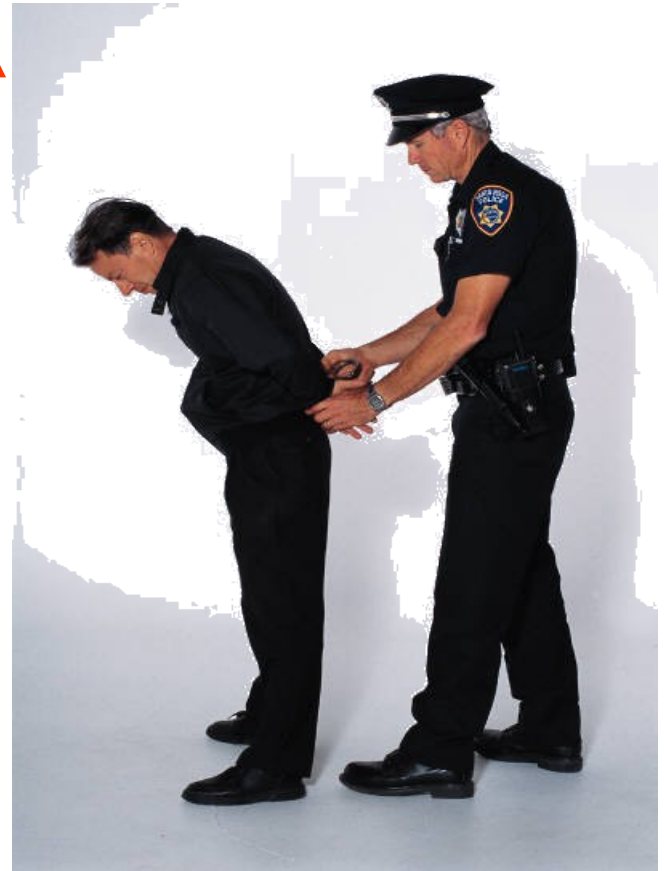
CRIMINAL BEHAVIOR

Indecent Assault

Battery

Aggravated Assault

Rape





POSSIBLE EFFECT

(continued)

IMPACT ON THE MISSION

- ❖ Performance
- ❖ Absenteeism
- ❖ Increase in Turnover
- ❖ Mission Readiness





POSSIBLE EFFECT

(continued)

IMPACT ON YOU, THE INDIVIDUAL

Loss of position



Loss of promotional opportunities



Impact on performance appraisal



Psychological effects--physical & emotional





YOUR RIGHTS & RESPONSIBILITIES

- Tell the person to stop and that the behavior is unwelcome and offensive
 - Notify your supervisor (or his or her superior)
- Maintain a log of the incidents and document harassment incident (s) and the action (s) taken to stop it
- If a witness to sexual harassment behavior bring the matter to the attention of an appropriate official (i.e. supervisor, EEO or EO Advisor)

If it still persists, civilian employees should contact the EEO Office at 703-696-6258. Military personnel and their family members should contact their EO Advisor.





MANAGEMENT'S RESPONSIBILITIES



- Responsible to create and preserve a work environment free from sexual harassment
 - Responsible to take immediate and appropriate action on observed or reported incidents
 - Provide counseling to the offender and document action(s) taken to stop the behavior
 - Consult with EEO, EOA, SJA, CPO staff





CHECK YOUR OWN BEHAVIOR

PREVENTIVE BEHAVIOR CHECKLIST

 Does this behavior contribute to work/or mission requirements?

☐ Could this behavior offend or hurt those subjected to it?

☐ Could this behavior be misinterpreted as intentionally harmful or harassing?

☐ How would you feel?



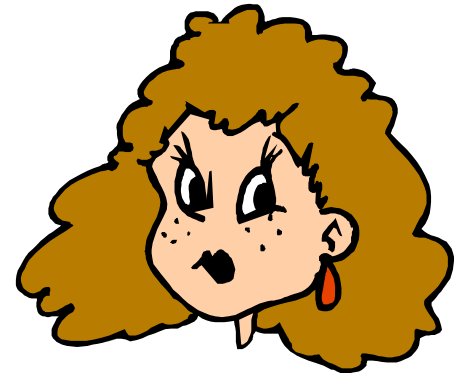
CHECK YOUR OWN BEHAVIOR

(continued)

PREVENTIVE BEHAVIOR CHECKLIST



- ➡ How would you feel if someone treated your daughter, son or significant others this way?
- ➡ Would you act this way if your wife, husband, daughter, or significant other were present?
- ➡ How would you feel if a videotape of your actions was shown on sixty minutes or 6 o'clock news?



CHECK YOUR OWN BEHAVIOR

(continued)

WORKPLACE

INTEGRITY

IF YOU WOULDN'T WANT IT SAID OR DONE TO OR AROUND
YOUR.....

PARENT

SIBLING

FRIEND

SPOUSE

SIGNIFICANT OTHER

OR YOUR CHILD



IT DOESN'T BELONG IN THE WORKPLACE!!

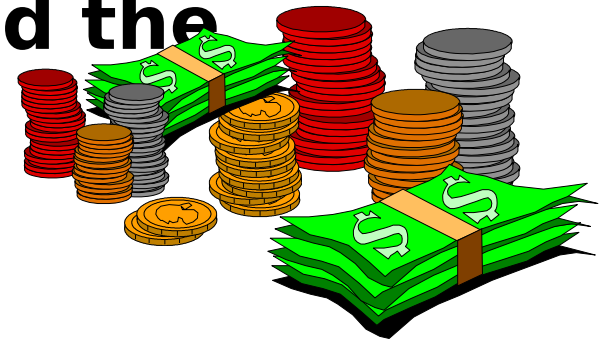


COST OF SEXUAL HARASSMENT

Directly - the Department of the Army

and

Indirectly - You, and the taxpayers



**** FACT: EEOC resolved 11,592 sexual harassment charges in FY 2007 and recovered \$49.9 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).**



FINALLY.....

We can minimize the likelihood of harassment, if we all:

- 👉 Prevent harassment whenever possible
- 👉 Respond to it quickly, decisively, and fairly
- 👉 Learn to recognize harassment, and remember that
- 👉 Preventing harassment is **everyone's** responsibility
- 👉 Be familiar with your agency's harassment policy and the process you need to follow to report harassment

IGNORING THE PROBLEM WON'T MAKE IT GO AWAY!!





SUMMARY

➡ **Legal Authorities & Regulatory Guidance**

➡ **Refresher On What Constitutes Sexual Harassment**

➡ **To Identify A Hostile Work Environment**

➡ **To Recognize And Accept Our Role And Responsibilities**





RESOURCES

Equal Employment Opportunity Commission (EEOC)
www.eeoc.gov

Office of Special Counsel (OSC)
www.osc.gov

Merit System Protection Board
www.mspb.gov

Quincy Jeffers
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QUESTIONS



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MILITARY COMMUNITY



POSH QUIZ



- ◆ Pressing “Page Down” takes you to the question.
- ◆ Read the question, answering it in your head.
- ◆ Press “Page Down” again to get the answer.



POSH QUIZ

Quid pro quo harassment means which of the following?

- a. Fair treatment for all
- b. Something in exchange for sexual favors
- c. Live and let live
- d. None of the above



Correct Answer

b: Quid pro quo harassment can include everything from the "casting couch" to subtle implications or promotion of favoritism in exchange for sexual favors.



POSH QUIZ



Which of the following comments can be considered sexual harassment?

- a. "You look sexy"
- b. "You've been out sick a lot lately. You're not pregnant, are you?"
- c. "Why are you in such a bad mood today? PMS?"
- d. All of the above

Correct Answer

d: Many individuals, courts and juries will differ on whether or not these statements constitute sexual harassment. The point is, there are no hard and fast guidelines. Sexual harassment is viewed from a "reasonable person" standard, and is open to wide interpretation.



POSH QUIZ



In order to file a claim for "hostile environment" sexual harassment, a worker must demonstrate that the harassment caused them to suffer serious psychological injury.

- a. True
- b. False



Correct Answer

b: The U.S. Supreme Court has ruled it was not necessary for a plaintiff to claim serious psychological injury to support a sexual harassment claim.

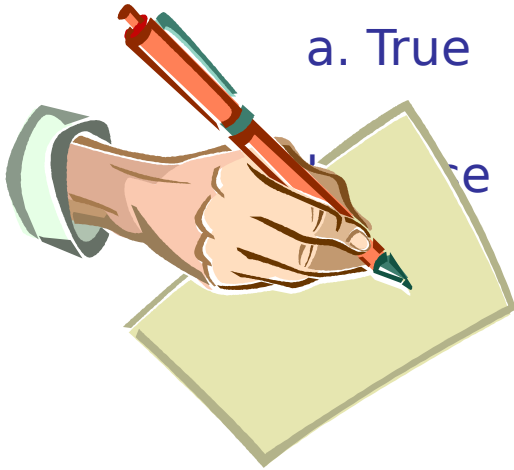


POSH QUIZ



The behavior of the alleged victim is relevant to the determination of whether the work environment was "sexually hostile."

a. True



Correct Answer

a: The answer is true. The victim's behavior is viewed from a "reasonable person" standard. For example, if a claimant "overreacts" to an item that she/he considers to be sexually hostile, she/he cannot claim discrimination if it is "unreasonable" for her/him to do so.



POSH QUIZ



Joe, a senior partner, tells a female associate, Annie, that he wants her to escort him to a client dinner. This is the third time in a month that Joe requested Annie escort him to a business related function. Annie objects, but Joe tells her she must go because it doesn't look good for him to go without a date. Can this be considered sexual harassment?

- a. Yes
- b. No



Correct Answer

a: This can be considered sexual harassment if Annie had a reasonable belief that Joe was interested in her sexually and to refuse could result in negative consequences related to her job. If an employee's job requires after work client contact, meetings and dinners, state that specifically in their job description.

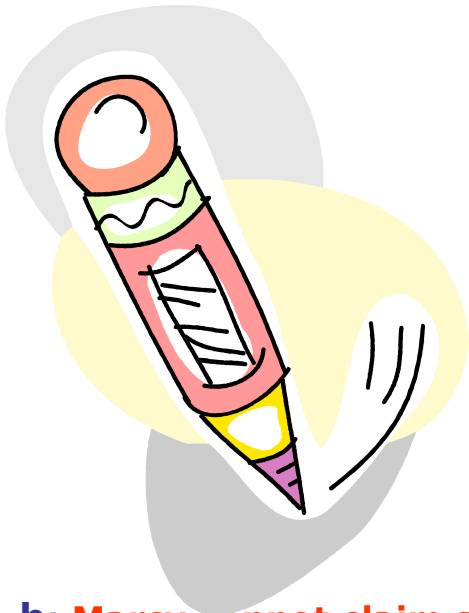


POSH QUIZ



Marcy's boss, Bob, often approaches her workstation and tells her sexually explicit jokes. Marcy does not personally consider Bob's conduct offensive, but other "reasonable" women certainly would. Can Marcy state a claim for sexual harassment?

- a. Yes
- b. No



Correct Answer

b: Marcy cannot claim sexual harassment because she was not offended by Bob's conduct.



POSH QUIZ



Carmen works with Frances and Jack, and sits in the workstation next to Frances. Although Jack directs his conversation to Frances, Carmen can easily overhear the sexually explicit jokes. She finds them offensive and becomes uncomfortable whenever she sees Jack approach Frances' desk. Can Carmen state a claim for sexual harassment?

- a. Yes
- b. No



Correct Answer

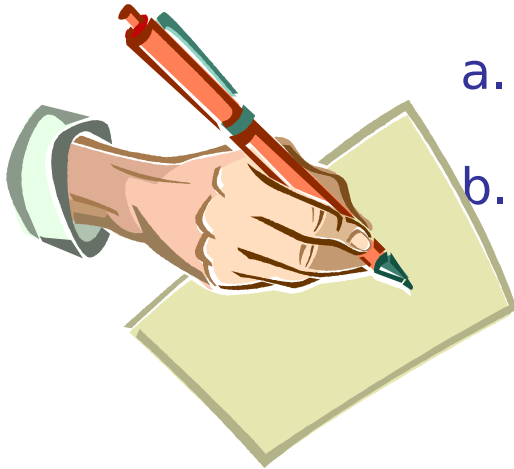
a: The fact that Jack's conversation was intended solely for Frances does not insulate the company from a hostile environment claim by Carmen.



POSH QUIZ



Bob, who owns a small printing company, is sued by his former receptionist, Tina. She claims that she was harassed by a fellow employee. Bob knew nothing about this conduct before the lawsuit. Can Bob's company be held personally liable for damages to Tina?



a. Yes

b. No

Correct Answer

b: Companies cannot be held responsible for sexual harassment conducted by co-employees they knew nothing about. Having said that, the amount of exposure will differ considerably based on efforts made to avoid sexual harassment in the first place.



POSH QUIZ



A sexual harasser can be which of the following?

- a. Supervisor
- b. Co-worker
- c. Customer
- d. Contract Employee
- e. All of the above



Correct Answer

e: Sexual harassers come in all forms, shapes and sizes. For example, a company which allows its customers or vendors to constantly flirt with the receptionist, despite her having expressed her discomfort with the activity, can open itself up to a sexual harassment claim.

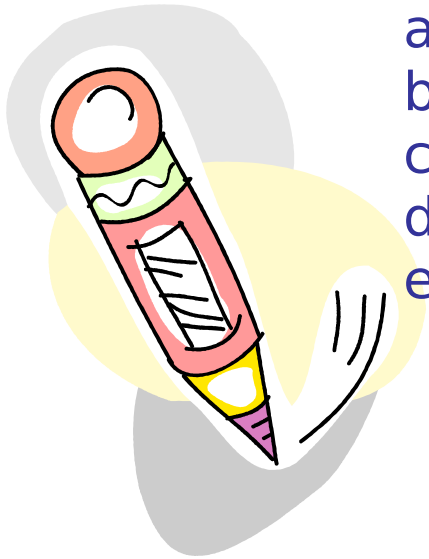


POSH QUIZ



Conduct considered to be sexual harassment can include which of the following?

- a. Physical touching
- b. Letters and gifts
- c. Posters and calendars
- d. E-mail
- e. All of the above



Correct Answer

e: Sexual harassment can come in any form. The only issue is whether or not it is considered to be offensive, severe, pervasive, etc., from a "reasonable person" standard.



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Prevention of Sexual Harassment (POSH)

PRINT NAME

SIGN

DATE

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In order to update the personnel database and receive credit for completion of this course, print this page only. Sign and date the bottom and turn in to FMMC EEO Training Coordinator.